

Exhibit 2

(Affidavit of Joseph P. Canuso)

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
PHILADELPHIA DIVISION

**Road-Con, Inc.; Neshaminy
Constructors, Inc.; Loftus Construction,
Inc.; PKF-Mark III; and Scott A.
LaCava,**

Plaintiffs,

Case No. 2:19-cv-01667-JS

v.

**City of Philadelphia; and James Kenney,
in his official capacity as mayor of the City
of Philadelphia,**

Defendants.

AFFIDAVIT OF JOSEPH P. CANUSO

I, Joseph P. Canuso, being duly sworn, state as follows:

1. My name is Joseph P. Canuso. I am over 21 years old and fully competent to make this affidavit. I submit this affidavit in support of the plaintiffs' motion for summary judgment and permanent injunction.

2. I have personal knowledge of the matters contained in this affidavit, and all of the facts stated in this affidavit are true and correct.

3. I am the Chief Executive Officer of Neshaminy Constructors, Inc. ("Neshaminy").

4. Neshaminy's principal place of business is located at 1839 Bustleton Pike, P.O. Box 405, Feasterville-Trevose, Pennsylvania 19053-7309.

5. Neshaminy is a prequalified PennDOT contractor that regularly works on PennDOT projects with employees who are members of the United Steelworkers.

6. Neshaminy has completed many projects for state and federal agencies, including PennDOT and SEPTA, which include projects owned by those agencies located within the city of Philadelphia.

7. Neshaminy is a member of the Pennsylvania Heavy and Highway Contractors Bargaining Association (the "Association").

8. A copy of the collective bargaining agreement between the Association and the United Steelworkers is attached as Exhibit "A" to the Plaintiffs' Requests for Admission.

9. The collective-bargaining agreement between the Association and the United Steelworkers governs the terms and conditions of employment at Neshaminy.

10. The employees of Neshaminy have chosen the United Steelworkers to be their bargaining representative.

11. Neshaminy pays Business Income and Receipts Tax (BIRT) to the City of Philadelphia. Exhibit "A" to this affidavit is an authentic copy of our tax receipts.

12. Neshaminy was interested in submitting a bid for the 15th Street Bridge Project when this lawsuit was filed on April 18, 2020.

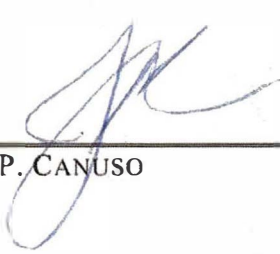
13. Neshaminy is qualified to perform the work on the 15th Street Bridge Project.

14. Neshaminy has been pre-qualified by PennDOT to perform the type of work necessary to complete the 15th Street Bridge Project.

15. Because Neshaminy maintains a collective bargaining agreement with the United Steelworkers, it could not perform work on the 15th Street Bridge Project with its current workforce when this lawsuit was filed.

16. Because Neshaminy maintains a collective bargaining agreement with the United Steelworkers, it cannot perform work on any city of Philadelphia public-works subject to a project labor agreement with its current workforce.

This concludes my sworn statement.


JOSEPH P. CANUSO

Subscribed and sworn to me
this 21st day of July, 2020



Commonwealth of Pennsylvania - Notary Seal
Sherri Kettyle, Notary Public
Bucks County
My commission expires June 20, 2022
Commission number 1244823
Member, Pennsylvania Association of Notaries

Exhibit A

to Affidavit of Joseph P. Canuso

This is a "printer friendly" page. Please use the "print" option in your browser to print this screen.



Philadelphia, City of - Tax Revenue Department, PA

Business Income and Receipts Tax (BIRT)

Confirmation Number: L4G2ZLHLL
Payment Date: Tuesday, June 9, 2020
Payment Time: 01:33PM ET

Successful completion of the payment transaction is conditioned upon accurate and complete information being entered by you and is subject to financial institution and biller acceptance, approval and authorization of the payment. Electronic check payments may take up to seven business days to be returned by your Financial Institution if incorrect information is entered when a payment is submitted.

Payer Information

When paying a Business TAX using an Electronic check, please enter the Authorized User of the Bank Account

Name: NESHAMINY CONSTRUCTORS INC
Street Address: 1839 BUSTLETON PIKE
FSTRVL TRVOSE, PA 19053-7309
United States
Daytime Phone Number: (267) 988 - 2445
E-mail Address: hwizmerski@nci3.com
Account Number: 6785497
Tax Year: 1219
Tax Period: 191231

Thank you for using Official Payments Center to make your payment. Please print this receipt for your records. Click the "Continue" button to return to the City of Philadelphia Payment Center.

Check Information

Account Type: Business Checking Account
Routing Number: ****13438
Account Number: ****05731

Payment Information

Payment Type: Business Income and Receipts Tax (BIRT)
Payment Amount: \$7,785.00

Thank you for using ACI Payments, Inc. If you have a question regarding your payment, please call us toll free at 1-800-487-4567. To make payments in the future, please visit our website at www.officialpayments.com/echeck.

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